IN THE HIGH COURT OF JUDICATURE AT BOMBAY
APPELLATE SIDE

Writ Petition No. 4849 of 2004

Shri Sakharam Tukaram Panaskar & Ors. .. Petitioners.
V/s.
The State of Maharashtra & Ors. .. Respondents.

Mr. Dilip Bodake for the Petitioners.
Mr. S.R. Nargolkar, AGP. for the Respondent Nos. 1 to 4.

CORAM : S. RADHAKRISHNAN &
S.A. BOBDE, JJ.
DATED : 02.11.2004.

P.C.:-

1. Heard the learned counsel for the Petitioners and the learned Additional Government Pleader for the Respondent Nos. 1 to 4. Perused also the judgment of the Supreme Court in **Municipal Council, Ahmednagar and another Vs. Shah Hyder Beig and others AIR 2000 SC 671,** wherein in paragraph 17 and 18 the Supreme Court has observed in no uncertain terms that it is settled law that no Writ Petition can be filed challenging the acquisition notice or against any proceeding thereunder, specially when the award has become final and possession has already been taken. There is no dispute that in the instant case award has already been passed and possession has also been taken. We are therefore not inclined to exercise the discretion under Article 226 of the Constitution of India. The Petition is devoid of merits, the same stands dismissed. Needless to state that ad-interim order granted earlier also stands vacated.

(S. RADHAKRISHNAN, J.)

(S.A. BOBDE, J.)